

Introduced by Senator Correa

February 27, 2009

An act to amend Section 56195.1 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 701, as introduced, Correa. Special education: local plans.

(1) Existing law requires the governing board of a school district to adopt a local plan individually, in conjunction with one or more school districts, or by joining with the county office of education. Existing law requires that a local plan adopted by a school district in conjunction with one or more school districts include joint powers agreements or other contractual agreements that, among other things, provide for a governance structure and any necessary administrative support to implement the plan.

This bill would require that the governance structure for such an arrangement include one member of the governing board of each participating local educational agency selected by a majority vote of each respective governing board. The bill would authorize the governance structure to include a county superintendent of schools to serve in lieu of a governing board member for a county office of education included in the plan.

By requiring school districts and county offices of education to perform additional duties, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 56195.1 of the Education Code is
2 amended to read:

3 56195.1. The governing board of a *school* district shall elect
4 to do one of the following:

5 (a) If of sufficient size and scope, under standards adopted by
6 the board, submit to the ~~superintendent~~ *Superintendent* a local plan
7 for the education of all individuals with exceptional needs residing
8 in the district in accordance with Chapter 3 (commencing with
9 Section 56205).

10 (b) In conjunction with one or more ~~districts~~ *local educational*
11 *agencies*, submit to the ~~superintendent~~ *Superintendent* a local plan
12 for the education of individuals with exceptional needs residing
13 in those *school* districts *or counties* in accordance with Chapter 3
14 (commencing with Section 56205). The plan shall include, through
15 joint powers agreements or other contractual agreements, all the
16 following:

17 (1) Provision of a governance structure and any necessary
18 administrative support to implement the plan. *The governance*
19 *structure to implement the local plan shall include one member of*
20 *the governing board of each participating local educational agency*
21 *selected by a majority vote of the respective governing board. The*
22 *governance structure may include a county superintendent of*
23 *schools in lieu of a governing board member for a county office*
24 *of education included in the plan.*

25 (2) Establishment of a system for determining the responsibility
26 of participating agencies for the education of each individual with
27 exceptional needs residing in the special education local plan area.

28 (3) Designation of a responsible local agency or alternative
29 administrative entity to perform functions such as the receipt and
30 distribution of funds, provision of administrative support, and

1 coordination of the implementation of the plan. Any participating
2 agency may perform any of these services required by the plan.

3 (c) Join with the county office, to submit to the ~~superintendent~~
4 *Superintendent* a local plan in accordance with Chapter 3
5 (commencing with Section 56205) to assure access to special
6 education and services for all individuals with exceptional needs
7 residing in the geographic area served by the plan. The county
8 office shall coordinate the implementation of the plan, unless
9 otherwise specified in the plan. The plan shall include, through
10 contractual agreements, all of the following:

11 (1) Establishment of a system for determining the responsibility
12 of participating agencies for the education of each individual with
13 exceptional needs residing in the geographical area served by the
14 plan.

15 (2) Designation of the county office, of a responsible local
16 agency, or of any other administrative entity to perform functions
17 such as the receipt and distribution of funds, provision of
18 administrative support, and coordination of the implementation of
19 the plan. Any participating agency may perform any of these
20 services required by the plan.

21 (d) The service area covered by the local plan developed under
22 subdivision (a), (b), or (c) shall be known as the special education
23 local plan area.

24 (e) This section does not limit the authority of a county office
25 and a school district or group of school districts to enter into
26 contractual agreements for services relating to the education of
27 individuals with exceptional needs. Except for instructional
28 personnel service units serving infants, until a special education
29 local plan area adopts a revised local plan approved pursuant to
30 Section 56836.03, the county office of education or school district
31 that reports a unit for funding shall be the agency that employs the
32 personnel who staff the unit, unless the combined unit rate and
33 support service ratio of the nonemploying agency is equal to or
34 lower than that of the employing agency and both agencies agree
35 that the nonemploying agency will report the unit for funding.

36 (f) A charter school that is deemed a local educational agency
37 for the purposes of special education pursuant to Article 4
38 (commencing with Section 47640) of Chapter 6 of Part 26.8 shall
39 participate in an approved local plan pursuant to subdivision (a),
40 (b), or (c). A charter school may submit written policies and

1 procedures to the department for approval by the ~~State Board of~~
2 ~~Education~~ *state board*, which establish compliance with the
3 Individuals with Disabilities Education Act (20 U.S.C. Sec. 1400
4 et seq.), and implementing regulations, either individually, pursuant
5 to subdivision (a) or with other charter schools pursuant to
6 subdivision (b). The ~~State Board of Education~~ *state board* shall
7 review these policies and procedures, based on the criteria
8 established pursuant to Section 56100. Upon approval by the ~~State~~
9 ~~Board of Education~~ *state board*, these written policies and
10 procedures shall become the local plan.

11 SEC. 2. If the Commission on State Mandates determines that
12 this act contains costs mandated by the state, reimbursement to
13 local agencies and school districts for those costs shall be made
14 pursuant to Part 7 (commencing with Section 17500) of Division
15 4 of Title 2 of the Government Code.